

IN RE: PETITION FOR VARIANCE

SE/S Belair Road, 1000'

SW of Chapel Road

11<sup>th</sup> Election District

6<sup>th</sup> Councilmanic District

(9527 Belair Road)

Dorothy Downs & Joseph DeFeo

Petitioner

\*

BEFORE THE

\*

DEPUTY ZONING COMMISSIONER

\*

OF BALTIMORE COUNTY

\*

CASE NO. 99-463-A

\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, Dorothy Downs and the Lessee of the site, Mr. Joseph DeFeo. The Petitioners are requesting a variance for property located at 9527 Belair Road, which property is zoned B.L.R. The variance request is to permit an enclosure of an existing porch with a setback of 19 ft. in lieu of the minimum required 25 ft.

Appearing at the hearing on behalf of the request were: Nancy DeFeo, operator of the business located on the property and Gerard V. Caldwell, Jr., attorney at law, representing the Petitioners. John Gontrum, attorney at law, appeared as co-counsel. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.810 acres and is split zoned B.L.R. and D.R.3.5. The subject property is located on the east side of Belair Road, south of its intersection with Horn Avenue. The site is improved with an existing two-story block building which has been utilized for many years as "The Batter's Box Tavern". Ms. DeFeo, who operates the tavern, indicated that they desire to enclose an existing porch which is situated on the front of the subject building. The porch and building have been situated on the property for many decades. The enclosure of the porch area will afford Ms. DeFeo an opportunity to provide additional seating for customers who choose to eat at the tavern.

ORIGINAL FILED FOR FILING  
Date 7/16/99  
By R. Emerson

She indicated that the available seating at this time is very limited and that the enclosure would permit additional table space for her customers. In order to proceed with the enclosure of the porch, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Comments were submitted by the Office of Planning which were discussed at the hearing with Ms. DeFeo. Ms. DeFeo agreed to submit elevation drawings of the porch enclosure to the Planning Office for their review and approval. She also agreed to utilize materials in the construction of the addition that will match existing improvements. Furthermore, she indicated that she would comply with all sign requirements. As to the landscaping requirement, based on a review of the site plan

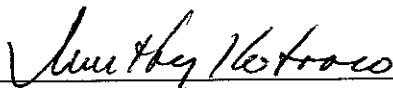
CASE RECD FOR FILING  
DATE 7/16/99  
BY J.R. Jameson

and the photographs submitted, the property is almost entirely paved along Belair Road and there is no area for landscaping to be installed. Therefore, the Petitioner shall not be required to submit a landscape plan.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 16<sup>th</sup> day of July, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance, to allow an enclosure of a porch with a setback of 19 ft. in lieu of the minimum required 25 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioner may apply for the building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall be required to submit elevation drawings of the porch enclosure to the Office of Planning for their review and approval. The Petitioner shall make every attempt to construct the addition out of materials that are similar to those of the existing structure.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORIGINAL FILED FOR FILING  
DATE 7/16/99  
BY [Signature]



Baltimore County  
Zoning Commissioner

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386  
Fax: 410-887-3468

July 16, 1999

Gerard V. Caldwell, Jr., Esquire  
Caldwell & Caldwell  
7701 Belair Road  
Baltimore, Maryland 21236

Re: Petition for Variance  
Case No. 99-463-A  
Property: 9527 Belair Road

Dear Mr. Caldwell:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

c: Ms. Dorothy Downs  
Ms. Nancy DeFeo

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9527 BELAIR RD

which is presently zoned BCR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

229.6B Commercial Front Yard Setback. Construct 19,6" setback in variance to the 25 minimum requirement.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty in configuring additional table areas is restricted by existing kitchen location, stairwells, heat ducts and plumbing configurations within the existing building. Grade changes, structural modifications and bathroom configurations practically inhibited expansion to the rear. Stricter enforcement of existing regulations causes added emphasis on food services Enclosure of the existing porch is the only practical alternative

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

## Contract Purchaser/Lessee:

JOSEPH P. DEFEO  
Name - Type or Print  
[Signature]  
Signature  
2809 ROSALIE AVE 444-6070  
Address Telephone No.  
BALTO MD 21234  
City State Zip Code

## Attorney For Petitioner:

GERARD V. CALDWELL JR  
Name - Type or Print  
[Signature]  
Signature  
CALDWELL AND CALDWELL  
Company  
7701 BELAIR RD 668-7742  
Address Telephone No.  
BALTO MD 21236  
City State Zip Code

## Legal Owner(s):

DOROTHY DOWNS  
Name - Type or Print  
[Signature]  
Signature  
Name - Type or Print  
Signature  
4113 PERRY VIEW RD 256-5656  
Address Telephone No.  
BALTO MD 21236  
City State Zip Code

## Representative to be Contacted:

NANCY C DEFEO  
Name  
9527 BELAIR RD 256-6056  
Address Telephone No.  
BALTO MD 21234  
City State Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr

UNAVAILABLE FOR HEARING

Reviewed By SMA Date 5-18-99

Case No. 99-463-F

REC 9/15/98

463

ORDER RECEIVED FOR HEARING  
DATE 7/16/99

**BEGINNING FOR THE SAME** on the southwest side of a Road as laid out in a deed and agreement between Henry J. Tremper and

others, dated April 24, 1916, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 469 Folio 266, at the beginning of the third line of said Road described in said agreement and thence binding on the southwest and west sides of said road with the use thereof in common with others entitled thereto and binding on the third, fourth and on a part of the fifth lines of said deed as now surveyed the three following courses and distances, viz:- South 28 degrees 24 minutes East 38.25 feet, South 1 degree 35 minutes West 71.58 feet and South 18 degrees 34 minutes West 92.46 feet, thence leaving said road and running for a line of division, North 46 degrees 10 1/2 minutes West 255.10 feet to the southeast side of the Belair Road, thence binding on the southeast side of said Road, North 49 degrees 55 minutes East 152.51 feet to intersect the second line of the above referred to road as set forth in the agreement between Henry J. Tremper and others and thence binding on the southwest side of said road and on a part of said second line, South 44 degrees 30 minutes East 114.94 feet to the place of beginning. Containing 0.68 of an acre of land more or less.

44-463-A

463

No. 463 066376

AMOUNT \$ 250.00

RECEIVED  
FROM: Quincy LLC. (TIN - 7116)  
BRIAN P. GOSWAMI

CHURCHMAN 250

**DISTRIBUTION**  
WHITE - CASHIER  
PINK - AGENCY  
YELLOW - CUSTOMER

55

99.463-A

### CASHIER'S VALIDATION

THE

REF ID	DATE	TIME	FILE
5/19/1999	5/19/1999	11:40:35	1
REF ID: A601	CASHIER JERIC JMR	DRAHER	
DEPT 5	528	ZIMING VERIFICATION	
RECEIPT #	102754		
IRN #	066376		

**NOTICE OF ZONING  
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-463-A  
9527 Belair Road  
SE/S Belair Road, 1000'  
SW of Chapel Road  
11th Election District  
6th Councilmanic District  
Legal Owner(s):

Dorothy Downs  
Contract Purchaser:  
Joseph P. Defeo

Variance: to permit a 19-foot front yard setback in lieu of the minimum required 25 feet.

Hearing: Wednesday, July 14, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the file and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/3/92 June 24 C321396

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/24/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/24/, 1999.

THE JEFFERSONIAN,  
*S. Wilkinson*

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: CASE # 99-463-A  
PETITIONER/DEVELOPER:  
[Joseph P. Defeo]  
DATE OF Hearing  
[July 14, 1999]

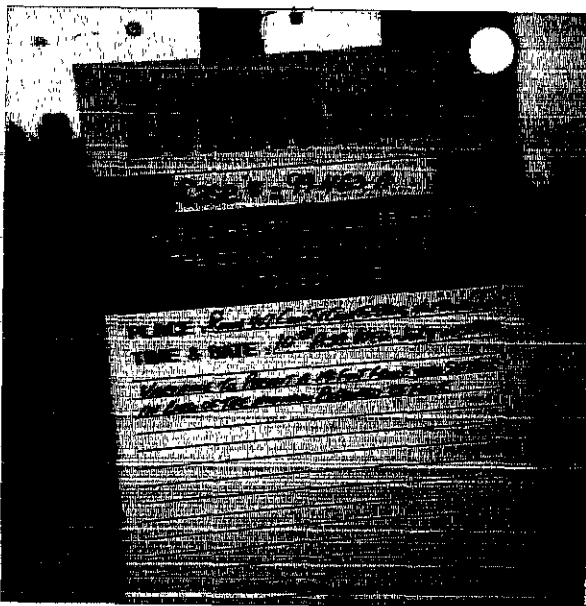
Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Ave.  
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property located at  
9527 Belair Road Baltimore , Maryland 21236\_\_\_\_\_

The sign(s) were posted on\_\_\_\_\_ 6-28-99 \_\_\_\_\_  
[Month, Day, Year]



Sincerely,

*Thomas P. Ogle, Sr.*  
[Signature of Sign Poster & Date]

\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_

\_\_\_\_ 325 Nicholson Road \_\_\_\_\_

\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_ [410]-687-8405 \_\_\_\_\_  
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 99-463-A  
Petitioner: DONANCY INC TA THE BATTERS BOX  
Address or Location: 9527 BELAIRE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: NANCY DEFEO  
Address: 9527 BELAIRE RD  
BALTIMORE MD 21236  
Telephone Number: 410-256-6056



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

June 11, 1999

## NOTICE OF ZONING HEARING

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CASE NUMBER: 99-463-A  
9527 Belair Road  
SE/S Belair Road, 1000' SW of Chapel Road  
11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Dorothy Downs  
Contract Purchaser: Joseph P. Defeo

Variance to permit a 19-foot front yard setback in lieu of the minimum required 25 feet.

HEARING: Wednesday, July 14, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized "SJ" or "SC" at the end.

Arnold Jablon  
Director

c: Gerard V. Caldwell, Jr., Esquire  
Dorothy Downs  
Joseph Defeo  
Nancy Defeo

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 29, 1999.**  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY  
June 24, 1999 Issue – Jeffersonian

Please forward billing to:

Nancy Defeo 410-256-6056  
9627 Belair Road  
Baltimore, MD 21236

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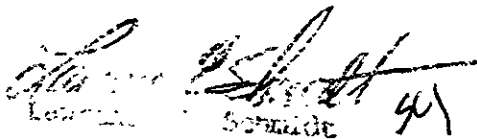
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9527 Belair Road  
SE/S Belair Road, 1000' SW of Chapel Road  
11<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owner: Dorothy Downs  
Contract Purchaser: Joseph P. Defeo

Variance to permit a 19-foot front yard setback in lieu of the minimum required 25 feet.

HEARING: Wednesday, July 14, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a stylized flourish at the end.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
pdmlandacq@co.ba.md.us

July 1, 1999

Mr. & Mrs. Joseph P. Defeo  
Batters Box Tavern  
9527 Belair Road  
Baltimore, MD 21236

Dear Mr. & Mrs. Defeo:

RE: Case No.: 99-463-A, Petitioner: Dorothy Downs & Joseph Defeo,  
Location: 9527 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 18, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Zoning Supervisor  
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



B A L T I M O R E   C O U N T Y,   M A R Y L A N D

I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:        Arnold Jablon, Director  
            Department of Permits & Development  
            Management

Date:   June 16, 1999

FROM:      Robert W. Bowling, Supervisor  
            Bureau of Development Plans Review

SUBJECT:   Zoning Advisory Committee Meeting  
            for June 14, 1999  
            Item No. 463

The Bureau of Development Plans Review has reviewed the subject zoning item. Belair Road, Maryland Route 1, is a State road. All improvements, intersections, entrances, drainage requirements and construction affecting a State road right-of-way are subject to the Standards, specifications and approval of the Maryland State Highway Administration in addition to those of Baltimore County.

RWB:HJO:jrb

cc:   File

RECEIVED JUN 21 1999

ZAC06149.463



Baltimore County  
Fire Department

700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4500

June 16, 1999

Arnold Jablon, Director  
Zoning Administration and Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: DOROTHY DOWNS

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: 463                      Zoning Agenda:

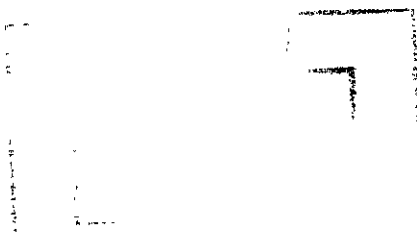
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. ACCESS FOR FIRE DEPARTMENT EMERGENCY APPARATUS IS NEEDED AT THE FOLLOWING PORTION(S) OF THE BUILDING BETWEEN EXISTING SIGN AND THE SIDEWALK. THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4381, MS-1102F

cc: File



RECEIVED JUN 21 1999

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Department of Permits and  
Development Management

**DATE:** June 7, 1999

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 9527 Belair Road

### INFORMATION:

**Item Number:** 463

**Petitioner:** Joseph P. Defeo

**Zoning:** BLR

**Requested Action:** Variance

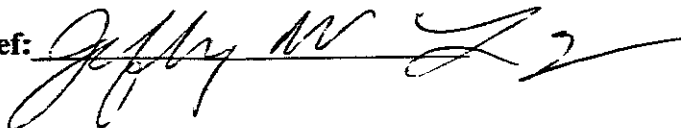
### SUMMARY OF RECOMMENDATIONS:

The subject property suffers to a degree from deferred maintenance. There is no landscaping along the street edge and the paved parking area is in need of repair.

The Office of Planning is not opposed to the relief granted, provided that the following conditions are met and plans are reviewed and approved by the Office of Planning:

- 1) Submit elevation drawing showing the existing structure along with the proposed addition;
- 2) Provide information regarding building materials that will be used and information regarding whether the existing structure will be resurfaced. If the existing structure is not resurfaced, information on how the materials of the addition will match those of the existing structure should be provided;
- 3) Submit a landscape plan consistent with the requirements of the BLR zone to the greatest extent possible; and
- 4) Any new signage should meet the requirements of the BLR zone.

**Section Chief:**





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 3, 1999

TO: Larry E. Schmidt  
Zoning Commissioner

FROM: James H. Thompson - DT  
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 463  
PETITIONER: Dorothy Downs

VIOLATION CASE NO.: 97-3364

LOCATION OF VIOLATION: SE/S Belair Road, 1000' SW of Chapel Road  
9527 Belair Road  
11<sup>th</sup> Election District

DEFENDANT(S): Dorothy Downs

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/th/lmh



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor  
John D. Porcari  
Secretary  
Parker F. Williams  
Administrator

Date: 6.4.99

Ms. Gwen Stephens  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

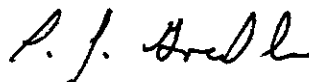
RE: Baltimore County  
Item No. 463 JRA

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 1 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

  
for Michael M. Lenhart, Chief  
Engineering Access Permits Division

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE  
9527 Belair Road, SE/S Belair Road,  
1000' SW of Chapel Rd  
11th Election District, 6th Councilmanic

Legal Owner: Dorothy Downs  
Contract Purchaser: Joseph P. Defeo  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 99-463-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Old Courthouse, Room 47  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of June, 1999 a copy of the foregoing Entry of Appearance was mailed to Gerard V. Caldwell, Esq., 7701 Belair Road, Baltimore, MD 21236, attorney for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

Baltimore County Government  
Department of Permits and  
Development Management



111 West Chesapeake Ave.  
Towson, Md. 21204

(410) 887-3335

September 9, 1996

Mr. Joseph Defeo  
9525 Belair Road  
Baltimore, MD 21236

RE: **Batters Box**  
9525 Belair Road  
DRC Number 09036H , Dist11C8

Dear Sir:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland and as provided in Section 602 (d) of the Baltimore County Charter and Section 26-132 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal or modification of a license, permit, approval, exemption, waiver or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to insure compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management.

The DRC has in fact met in an open meeting on September 3 , 1996, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 26-171 (A) (7).

463

99-463-A

Batters Box  
September 9, 1996  
Page 2

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a permit with the Permits and Licenses Section.

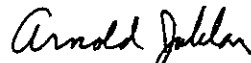
Be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement.

I have reviewed the recommendations carefully and I have determined to adopt the recommendations set forth above. It is this 9th day of September, 1996, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Robert Small at 545-5581.

Sincerely,

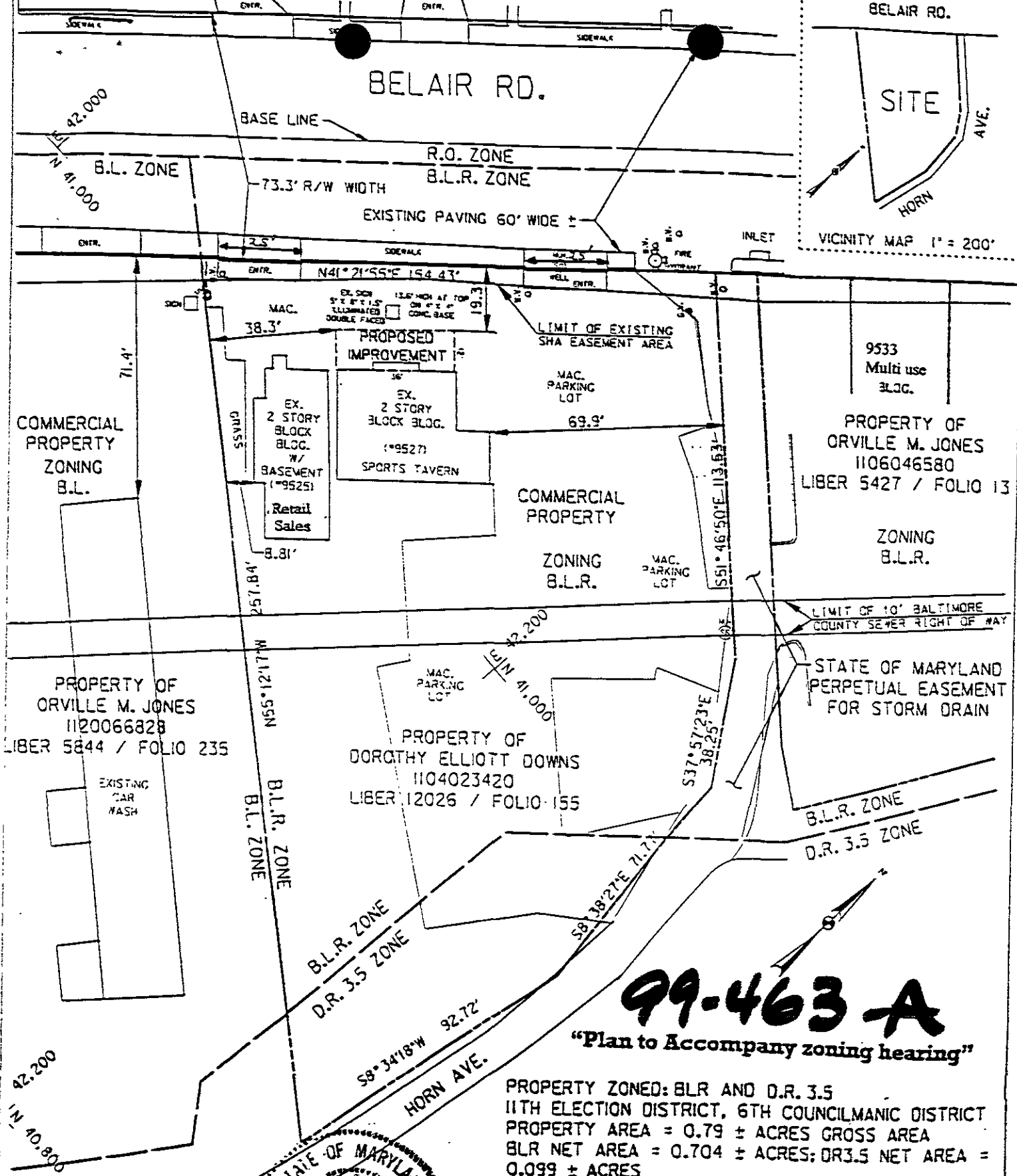


Arnold Jablon  
Director

AJ:DTR:jw

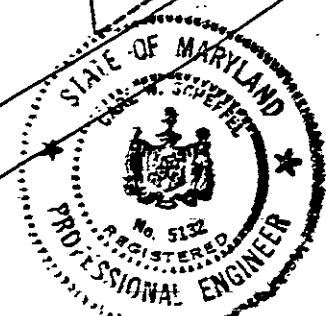
c: Bruce Seeley  
Carol Brown  
File

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**99-463-A**  
 "Plan to Accompany zoning hearing"

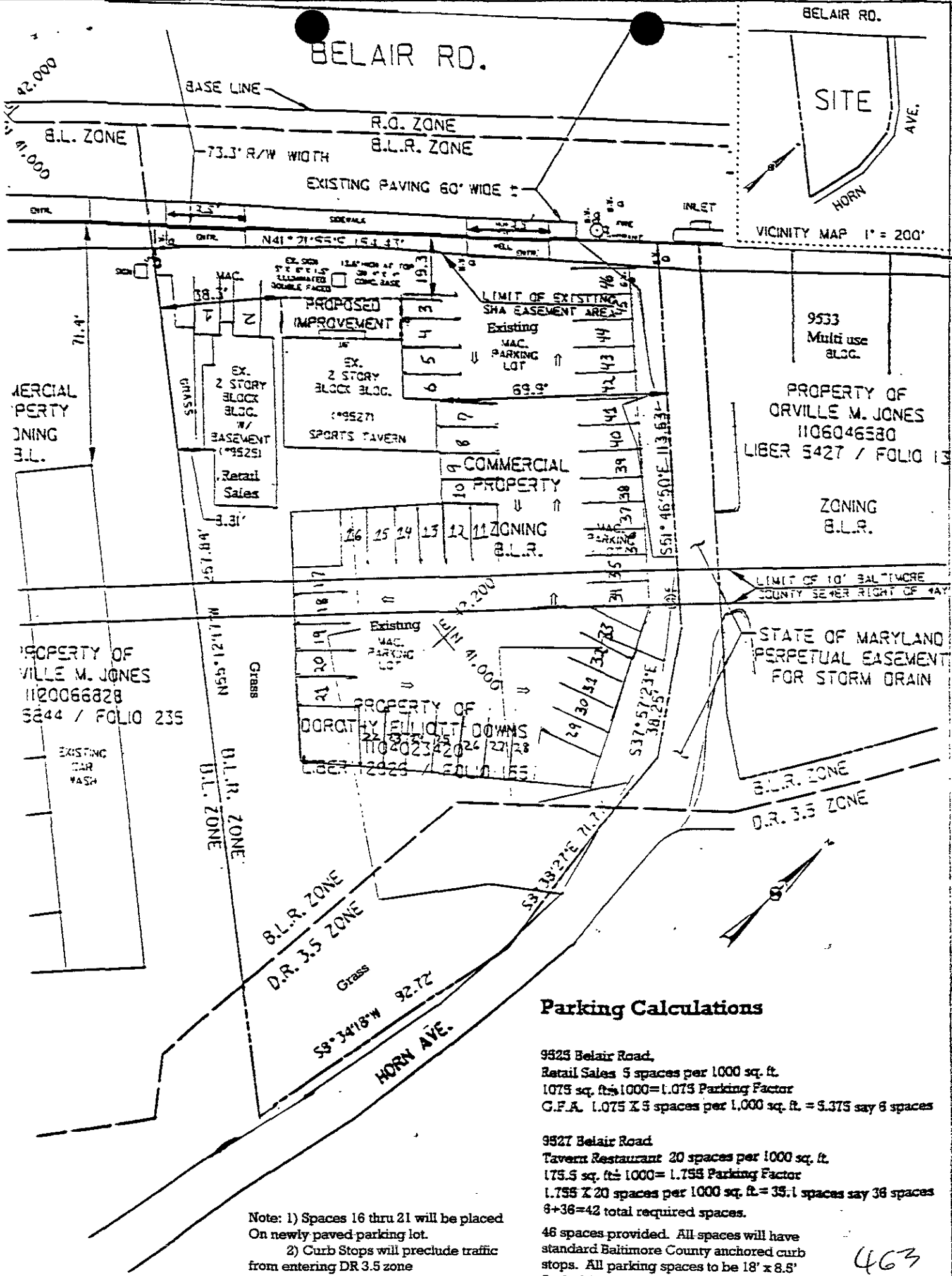
PROPERTY ZONED: BLR AND D.R. 3.5  
 11TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT  
 PROPERTY AREA = 0.79 ± ACRES GROSS AREA  
 BLR NET AREA = 0.704 ± ACRES; DR3.5 NET AREA = 0.099 ± ACRES  
 BLR GROSS AREA = 0.810 ± ACRES  
 F.A.R. = 4592 SQ. FT. FLOOR AREA : 34412.4 SQ. FT.  
 NET PROPERTY AREA = 0.133  
 A.O.S. = NONE REQUIRED  
 ZONING HEARING LIMITED EXEMPTION UNDER  
 SECTION 26-171 (A) (7)  
 DRC NUMBER 09036H; DIST. 11C8  
 NO PREVIOUS COMMERCIAL PERMITS  
 SCALE: 1" = 40'



PET. Ex. 1

*Carl W. Schreffel*  
 3-29-99

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### Parking Calculations

9525 Belair Road,  
 Retail Sales 5 spaces per 1000 sq. ft.  
 1075 sq. ft. ÷ 1000 = 1.075 Parking Factor  
 G.F.A. 1.075 X 5 spaces per 1,000 sq. ft. = 5.375 say 6 spaces

9527 Belair Road  
 Tavern Restaurant 20 spaces per 1000 sq. ft.  
 175.5 sq. ft. ÷ 1000 = 1.755 Parking Factor  
 1.755 X 20 spaces per 1000 sq. ft. = 35.1 spaces say 36 spaces  
 6 + 36 = 42 total required spaces.

46 spaces provided. All spaces will have standard Baltimore County anchored curb stops. All parking spaces to be 18' x 8.5' Scale 1" = 40'

Note: 1) Spaces 16 thru 21 will be placed On newly paved parking lot.  
 2) Curb Stops will preclude traffic from entering DR 3.5 zone

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BL

CHAPEL

463

PERRY HALL

BL

R0

BL

BELL CHAPEL

CIR

BELL

PERRY CHAPEL

BLR

BLAS

R0

D.R. 5.5

PERRY VIEW

PERRY VIEW

ROAD

ST. MICHAEL'S  
EVG. LOTH.  
CHURCH

CEMETERY

BAKER

LANE

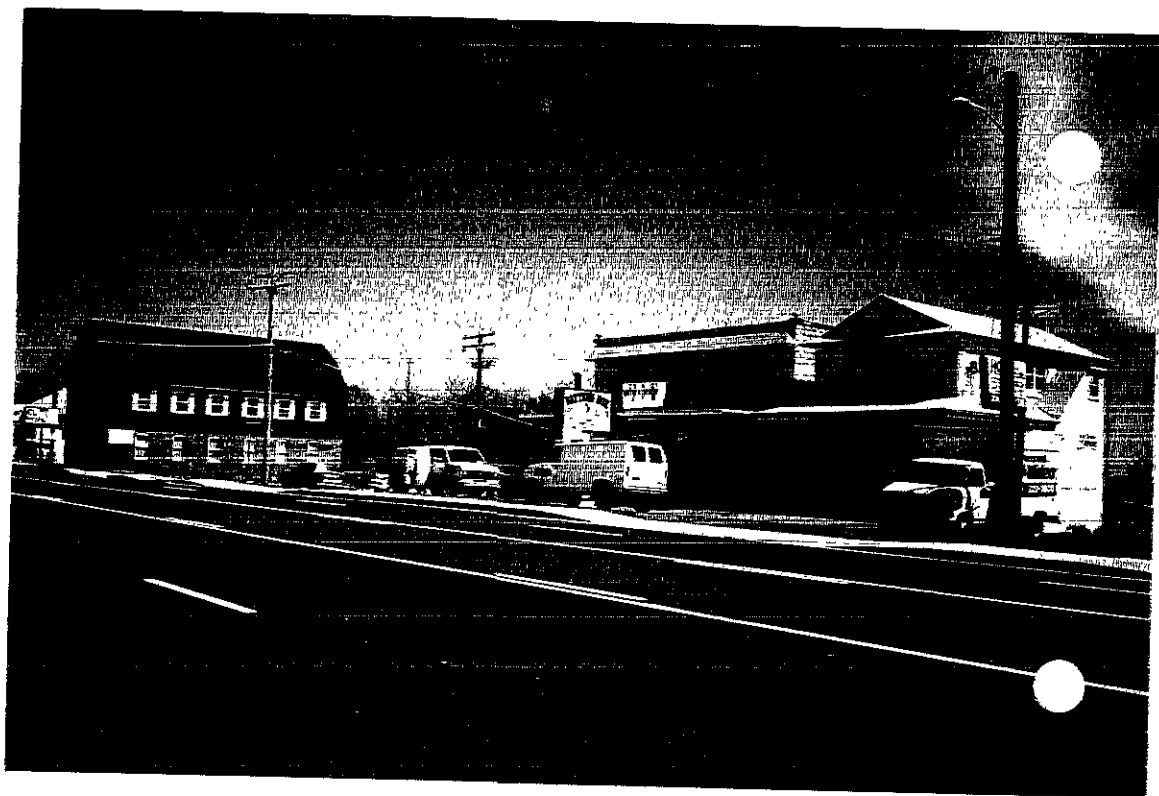
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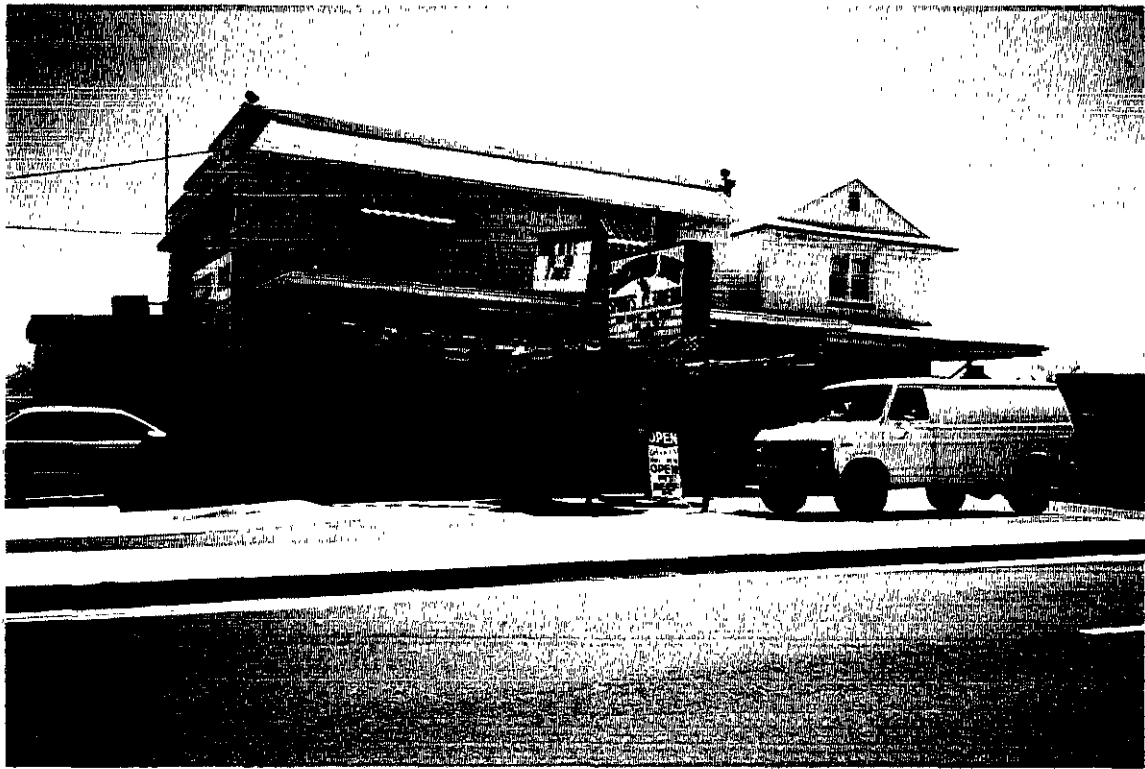
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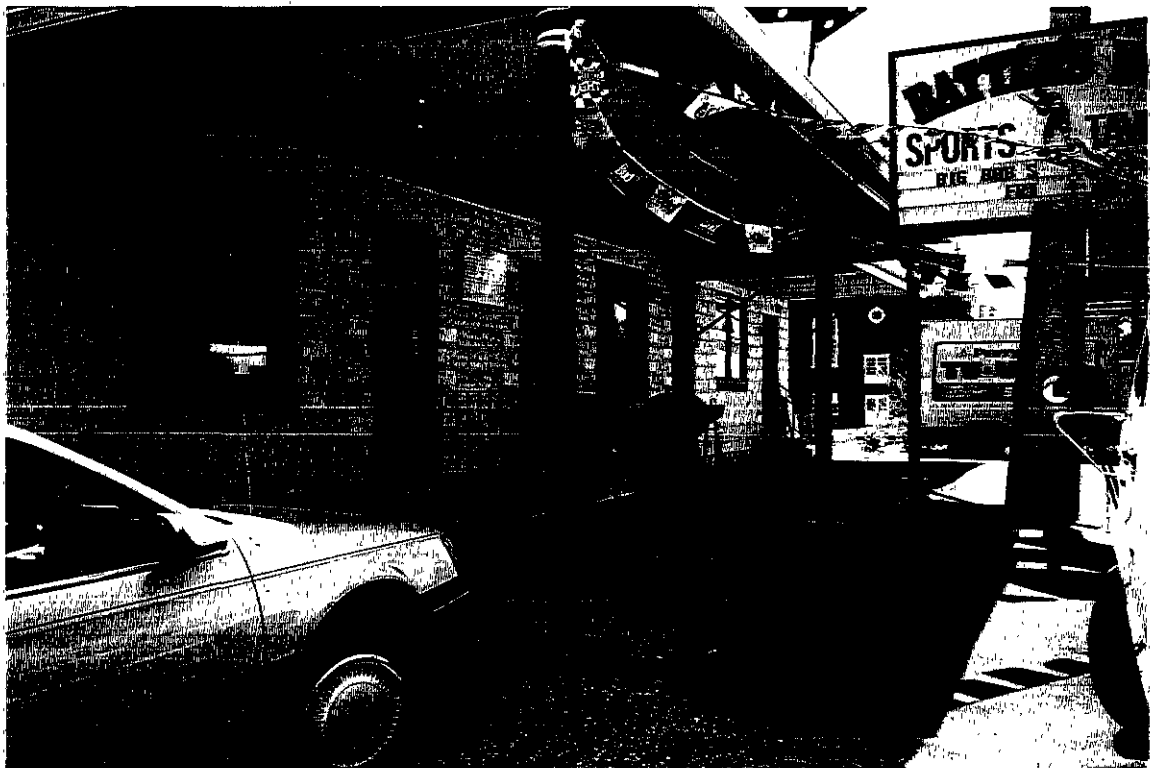








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99-463.A

Existing Variances to the 25' Front Setback Requirement  
In the 9500 & 9600 blocks of Belair Road

9500 Belair Road	Automotive Repair Shop	existing setback 0'
9502 Belair Road	Barber	existing setback 4'
9533 Belair Road	Consignment Shop Beauty Shop Contractor	existing setback 0'
9537 Belair Road	Mechanical Contractor	existing setback 9'
9539 Belair Road	Driver Training School	existing setback 13'
9621 Belair Road	Vacant Sewing Machine factory	existing setback 15'
9652 Belair Road	Perry Inn & Pub	existing setback 5'

Photos attached



9500 Belair Road	Automotive Repair Shop	existing setback 0'
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9502 Belair Road

Barber

existing setback 4'



9533 Belair Road

Consignment Shop  
Beauty Shop  
Contractor

existing setback 0'

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9537 Belair Road

Mechanical Contractor

existing setback 9'



9539 Belair Road

Driver Training School

existing setback 13'



9621 Belair Road

Vacant Sewing Machine  
factory

existing setback 15'



9652 Belair Road

Perry Inn & Pub

existing setback 5'